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## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #: Z2013-27**

**LEGISTAR #: 20131102**

**PROPERTY OWNERS:**

**Estate of Harvey Q. Strother  
c/o Thomas H. Rogers, III  
Gregory Doyle Calhoun & Rogers, LLC  
49 Atlanta Street  
Marietta, GA 30060**

**APPLICANT:**

**Real Estate Holdings, Inc.  
14<sup>th</sup> Floor, 200 SW 1<sup>st</sup> Avenue  
Ft. Lauderdale, FL 33301**

**APPLICANT REPRESENTATIVE:**

**J. KEVIN MOORE, ESQ.  
Moore Ingram Johnson & Steele, LLP  
Attorneys at Law  
Emerson Overlook  
326 Roswell Street  
Marietta, GA 30060**

**PROPERTY ADDRESSES:**

**810 (Parcel 0030), 830 (Parcel 0020) and 850 Cobb  
Parkway South (Parcel 0160)**

**PARCEL DESCRIPTION: Land Lot 05730, District 17, Parcels 0030, 0020, 0160**

**AREA: 8.48+/- acs.**

**COUNCIL WARD: 1**

**EXISTING ZONING: CRC (Community Retail Commercial) & OI (Office Institutional)**

**REQUEST:**

**CRC (Community Retail Commercial)**

**FUTURE LAND USE**

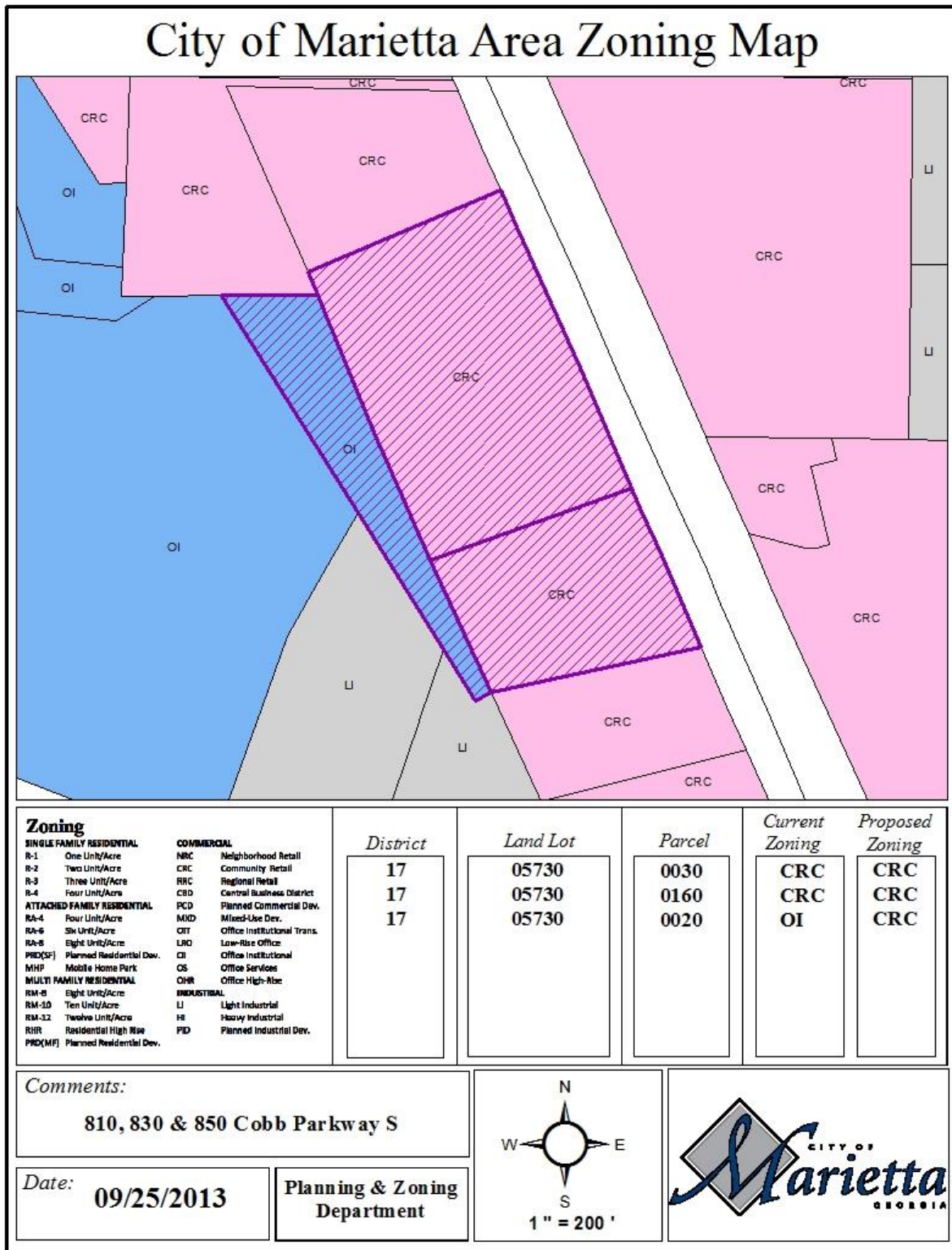
**RECOMMENDATION: CAC (Community Activity Center) & CSI (Community  
Service & Institutional)**

**REASON FOR REQUEST: The applicant is requesting the rezoning of these parcels for  
the construction of a new car dealership and repair facility.**

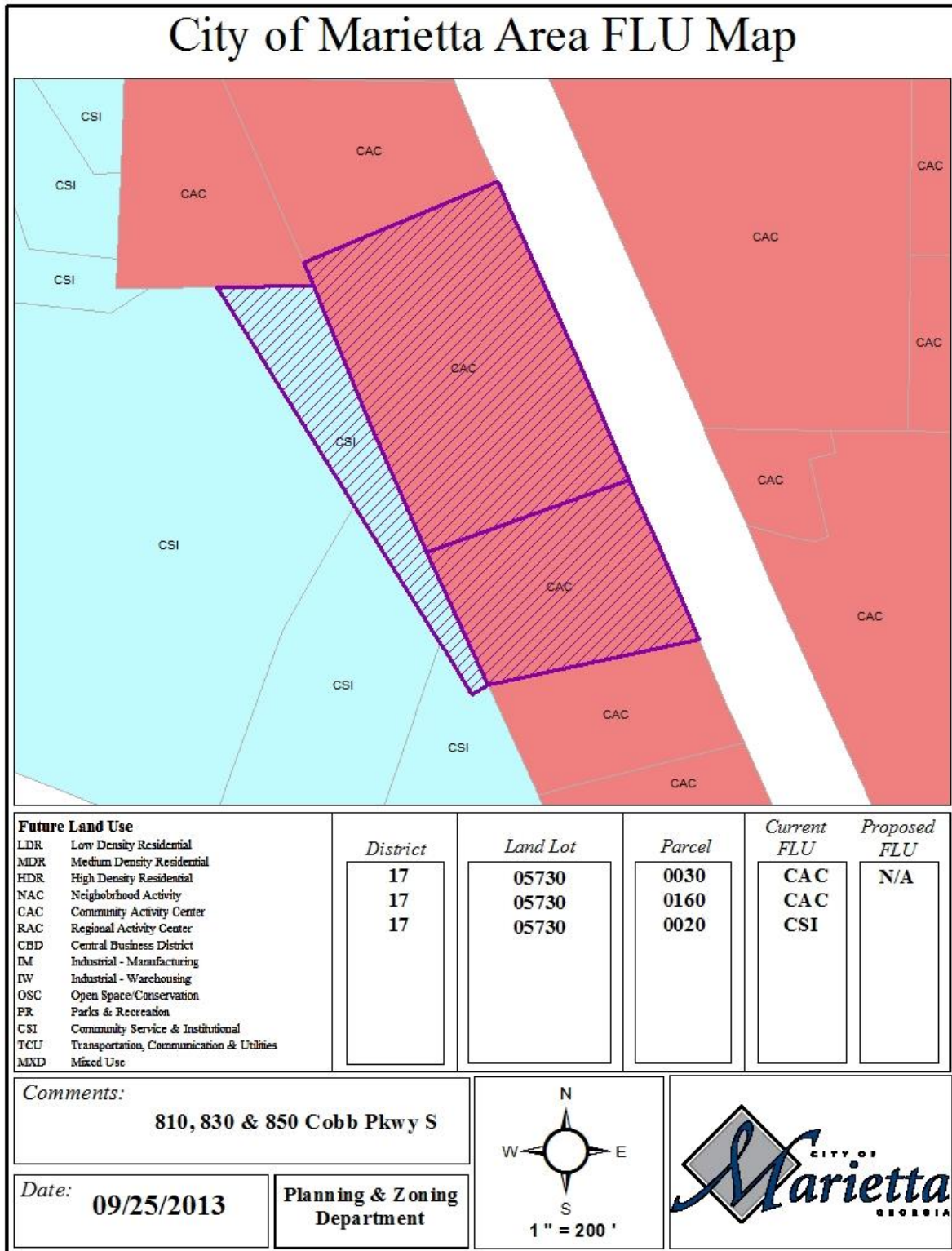
**PLANNING COMMISSION HEARING: Wednesday, November 6, 2013 – 6:00 p.m.**

**CITY COUNCIL HEARING: Wednesday, November 13, 2013 – 7:00 p.m.**

## MAP



## FLU MAP





**PICTURES OF PROPERTY**



**810 Cobb Parkway South**



**810 Cobb Parkway South**



**850 Cobb Parkway South**



**830 Cobb Parkway South**

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## STAFF ANALYSIS

### *Location Compatibility*

Kevin Moore, representative for the owner and applicant, is requesting the rezoning of parcels located at 810, 830, and 850 Cobb Parkway South. The two parcels fronting on Cobb Parkway South (810 & 850) are currently zoned CRC (Community Retail Commercial). A narrow, triangularly-shaped parcel (830) to the rear of these two parcels is zoned OI (Office Institutional). The applicant is requesting the rezoning of all three parcels to CRC so they can be combined and developed as a Mercedes-Benz car dealership and repair facility.

A motorcycle and recreational vehicle dealership is located to the north and a paved lot containing a billboard is located to the south; both these adjacent properties are also zoned CRC. To the west is an industrial office building, zoned LI, and a portion of the Life University campus, zoned OI.

### *Use Potential and Impacts*

The applicant is proposing the construction of a car dealership and repair facility similar to many other businesses operating along the Cobb Parkway South corridor. Because of Cobb Parkway's use as a vital, highly-traveled artery in the region, it has not been historically attractive for residential purposes. Thus, there are very few residences currently in the area that could be impacted by the proposed development.

On July 10, 2013 City Council adopted the Marietta University Enhancement District LCI Plan in order to identify ways to positively impact the areas around Cobb Parkway and South Marietta Parkway. One of the strategies listed in the final report included the recommendation of a new overlay district (similar to what has been applied to Roswell Street and portions of Fairground, Atlanta, and Powder Springs Streets) in order to help reshape the area into a more desirable area for citizens, visitors, students, pedestrians, bicyclists, and drivers. The plan recommends that the new overlay prohibit certain new uses - such as auto repair shops, car washes, car maintenance facilities, and services stations - that are normally permitted under CRC (see pg. 123). It also suggests prohibiting service and loading areas from being visible from Cobb Parkway. So although the use of the property as a car dealership is compatible with the plan, the proposed facility has some features that may have to be screened, or addressed in some other way, in order to adhere to the recommended regulations specified in the Marietta University Enhancement District LCI Plan.

The future land use (FLU) designation of the two parcels fronting Cobb Parkway South is CAC (Community Activity Center), while the FLU of the parcel to the rear is CSI (Community Service & Institutional). Considering the site's location along a large arterial roadway, a car dealership and repair facility would be consistent with a FLU of CAC.



However, the City's Comprehensive Plan suggests that older, more auto-oriented districts "*should be required to become more pedestrian friendly as new development and redevelopment occurs.*" Although the FLU for the triangular parcel to the rear is designated CSI, which is appropriate for governmental and institutional land uses, the majority of the site's FLU is designated as CAC, which is compatible with a zoning of CRC. As a result, this request is supported by the City's Comprehensive Plan.

### *Environmental Impacts*

There is no indication of any streams, wetlands, endangered species, or topographical issues on the property. Unless requested as variances by the applicant, the proposed site will stay within what is permitted for impervious surface coverage in the CRC zoning district (maximum 80%) and adhere to current regulations for stormwater management, water quality, and tree replacement.

### *Economic Functionality and Economic Impact*

This property has historically been used as a car dealership or car rental facility. Team Nissan has been operating at this site until it relocated to a new facility further south and across Cobb Parkway two years ago. Since then smaller used car dealerships have operated on these properties. Although these properties have consistently been used over time, the intensity has dwindled since Team Nissan relocated.

The property (land and buildings) is currently valued at \$4.7 million according to the current tax values listed by the Cobb Tax Assessor. The proposal is to build a 51,000+ square foot Mercedes-Benz dealership and service care facility, which would likely be an economic boost to this property and possibly the surrounding area. The closest comparison to this proposal, from a fiscal impact standpoint, would be the Lexus Dealership which was built in 2004 near Cumberland Mall. According to Cobb County Tax records, that dealership is valued at \$12,370,000 (approximately \$8 million in building value) in real property values, as well as \$2,200,000 in inventory and equipment (personal property). Both the proposed property and the Lexus dealership are a little over 8 acres, however the Lexus dealership has a little over 30,000 square feet more of building space than the proposed Mercedes-Benz dealership.

### *Infrastructure*

The redevelopment of these parcels will place additional demand on public infrastructure. However, because of its location within a highly developed corridor, much of the affected infrastructure, such as water, sewer, fire services, etc., are already in place. The development of these lots should not adversely impact the ability of the City to continue



providing quality infrastructure services.

The site plan submitted with the rezoning does not include proposed sidewalk improvements along Cobb Parkway South. In order to comply with Section 732.07 as well as further the goal of making the area more pedestrian friendly, a 5' wide sidewalk is required along the entire Cobb Parkway South frontage.

### *History of Property*

There is no history of any variances, rezonings, or Special Land Use Permits issued for these properties.

### *Other Issues*

In addition to the rezoning request, the applicant is requesting a variance from the following code section:

*"Building design and materials may be of the developer's choosing; however, structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any facade of the building facing a roadway." §708.16 (G.3)*

Elevations provided with the application show the front façade of the proposed building clad primarily in aluminum and Centria Platinum ribbed metal panels. There have been a few other instances where businesses, primarily major car dealerships, have received variances to allow the use of similar materials. Shown below is a list of variances that granted the use of an aluminum metal siding by either the Board of Zoning Appeals or City Council.

Case #	Address	Organization
Z2007-15	727 Cobb Parkway South	Marietta Toyota
V2010-22	1250 Atlanta Ind Dr	Atlanta Beverage Company
V2010-25	925 Cobb Parkway South	Team Nissan
V2011-17	2155 Cobb Parkway S	Steve Rayman Chevrolet
V2013-10	2160 Cobb Parkway S	Capital Buick GMC
V2013-33	1141 Cobb Parkway S	Jim Ellis Volvo

In addition, should this property be rezoned as submitted, an exemption plat to formally combine the properties will be required prior to the issuance of a building permit.



## ANALYSIS & CONCLUSION

Kevin Moore, representative for the owner and applicant, is requesting the rezoning of parcels located at 810, 830, and 850 Cobb Parkway South. The two parcels fronting on Cobb Parkway South are currently zoned CRC while the narrow, triangularly-shaped parcel to the rear of these two parcels is zoned OI. A motorcycle and recreational vehicle dealership is located to the north and a paved lot containing a billboard is located to the south; both these adjacent properties are also zoned CRC. To the west is an industrial office building, zoned LI, and a portion of the Life University campus, zoned OI. The applicant is requesting the rezoning of all three parcels to CRC so they can be combined and developed as a Mercedes-Benz car dealership and repair facility.

There are very few residences currently in the area that could be impacted by the proposed development.

A 5' sidewalk, not shown on the site plan, is required along the Cobb Parkway South frontage. Further, the following variances would be necessary in order to construct a building using the materials shown on the attached elevations:

- Variance to allow the use of aluminum and Centria Platinum ribbed metal panels on the façade facing a public roadway. §708.16 (G.3)

A new overlay district for this area of Cobb Parkway is a recommendation, although not yet drafted or adopted, of the newly adopted Marietta University Enhancement District LCI Plan. These recommendations include new land use regulations for this area, such as the prohibition of auto repair shops, car washes, car maintenance facilities, and service stations. So although the use of the property as a car dealership is compatible with the plan, the proposed facility has some features that may have to be screened, or addressed in some other way, in order to adhere to the recommended regulations specified in the Marietta University Enhancement District LCI Plan.

While Marietta's Comprehensive Plan encourages the redevelopment of parcels to be more pedestrian friendly, this request is primarily supported by the City's Comprehensive Plan.

Prepared by: \_\_\_\_\_

Approved by: \_\_\_\_\_



## DATA APPENDIX

### ***CITY OF MARIETTA - WATER***

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	n/a
Size of the water line?	16-inch
Capacity of the water line?	Flo test required
Approximate water usage by proposed use?	Not provided

### ***CITY OF MARIETTA - SEWER***

Is a sewer line adjacent to the property?	No
If not, how far is the closest sewer line?	+/- 700 ft
Size of the sewer line?	30-inch
Capacity of the sewer line?	Available
Estimated waste generated by proposed development?	A.D.F                      Peak Not provided
Treatment Plant Name?	Cobb County
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County



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## ***DRAINAGE AND ENVIRONMENTAL CONCERNS***

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Does flood plain exist on the property?	NO
What percentage of the property is in a floodplain?	---
What is the drainage basin for the property?	Rottenwood Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	NO
If so, is the use compatible with the possible presence of wetlands?	---
Do stream bank buffers exist on the parcel?	NO
Are there other topographical concerns on the parcel?	NO
Are there storm water issues related to the application?	NO
Potential presence of endangered species in the area?	NO

## **Transportation**

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What is the road affected by the proposed change?	Cobb Parkway South
What is the classification of the road?	Arterial
What is the traffic count for the road?	
Estimated number of cars generated by the proposed development? **	Insufficient data provided
Estimated number of trips generated by the proposed development? **	Insufficient data provided
Do sidewalks exist in the area?	NO
Transportation improvements in the area?	NO
If yes, what are they?	---



*\*\* The above Trip Generation numbers are estimated from an ITE list. We make these estimates in good faith using known data at the time of the review.*

- If Site plans are required for construction, site plans must include, parking, driveways, streets, erosion-sedimentation-and pollution control plan, stormwater management (preventing concentrated flows from adjacent lots roads, and areas), stormwater quality (bioretention or other on each lot), and any other applicable improvements required by City Code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line, or into the street R.O.W. If easements are required for drainage through adjacent property, then the owner is to obtain.
- If a GA DOT Permit is requested, it may be required to limit drive access to Cobb Parkway South, and make the single driveway “right-in / right-out” with no cross traffic.

### ***EMERGENCY SERVICES***

Nearest city or county fire station from the development?	Marietta Station 55
Distance of the nearest station?	1.6 miles
Most likely station for 1 <sup>st</sup> response?	Marietta Station 55
Service burdens at the nearest city fire station (under, at, or above capacity)?	None

The fire department has the following comments regarding the above referenced:

1. The proposed building shall comply with the City of Marietta\BLW Fire Sprinkler Ordinance.
2. All electronic gates shall have Knox Switch.

### ***MARIETTA POWER - ELECTRICAL***

Does Marietta Power serve this site?	Yes(810 & 850)	No_____
If not, can this site be served?	Yes_____	No_____

What special conditions would be involved in serving this site?

Additional comments: none